



CITY OF DETROIT
LAW DEPARTMENT

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April 29, 2019

Caroline Haskins
MuckRock News
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**RE: Freedom of Information Act Request No. A19-02217, Dated March 14, 2019,
Concerning City of Detroit Records Pertaining to Palantir Software**

Dear Ms. Haskins:

This letter serves as the City of Detroit's response to the above-referenced matter. Your request was received at the City of Detroit Law Department FOIA Section on March 15, 2019. Thank you for your patience in this matter.

Your request states as follows:

Media reports state that the police departments around the country have made use of Palantir's software (<https://www.bloomberg.com/features/2018-palantir-peter-thiel/>). Therefore, I am requesting the following records related to the above program:

* Any software and algorithms developed for the implementation of the program. I'm particularly interested in any algorithms that have a public policy outcome, such as providing guidance on a policy or an assessment of an individual. More generally, I would like any software that was developed by or with, given to, used by, purchased or licensed to this agency for implementation of the above referenced program. This would include original source code, any compiled binaries (also known as executables), spreadsheets, program scripts, and other digital materials used to calculate any data in the above program. It would also include the input training data for machine learning algorithms. Collectively, these responsive materials will be referred to as "the software" in the following paragraphs.

* All instructional materials, presentations and presentation materials (including recorded video and audio, PowerPoint files, prepared remarks, and slides formats), and other guidance on the use of "the software." This includes any notes taking during meetings that discussed the use of the software, any explanations (whether internally or externally generated) of how the software works, and any other document that has been used to help explain the use of "the software" to any party, including internal documentation, public relations materials, and executive summaries. This also includes any description of input and output data fields that will aid in understanding the type of information that is submitted to the software, and that is produced by the software.

* A copy of any privacy impact assessments, use policies, standard operating procedures, data retention policies, legal opinions, warranties, non-disclosure agreements, contracts,



liability waivers, insurance agreements, Requests for Proposals, Responses to Requests for Proposal, Memorandums of Understanding, Letters of Interest, usage policies, or informal agreements that reference "the software" or otherwise guide its use or the relationship between this agency and the provider or developer of the software.

* A copy of any funding opportunity announcements, grant applications and grantor status/progress reports, reports to legislative bodies, annual reports that mention the use of the Software, as well as audit records, including but not limited to security audits of the software, misuse reports, and reports to oversight bodies.

* A copy of any validation studies conducted with respect to the program or with respect to any software or algorithms used in connection with the program, and a copy of any records pertaining to inquiries for the need of validation studies, or discussion of potential or actual validation studies. By "validation study," I mean any study designed to assess how accurate the program is in predicting what it is supposed to predict, or to assess whether the program may err in the direction of either under- or overestimating likelihoods or predicted outcomes, or may produce any results that are biased or unexpected in any way.

* For the aspects of the software that require an input, for example, to compute a value, we request a copy of the five most recent sets of data that were used for input, as well as the five most recent outputs of the software, in whatever their native format is. If these inputs or outputs include exempt information, we ask that you exempt only that information which is specifically exempted from law, and provide the other material.

Your request is denied pursuant to MCL 15.235(5)(b), for the reason that, based on information provided by City of Detroit Police Department ("DPD") and City of Detroit Office of Contracting and Procurement ("OCP") personnel, it is our understanding that DPD and OCP do not possess any record that corresponds to the description in your request.

I apologize for stating in my recent email to you that we were working on compiling records in response to your request. What I meant to write was that we were determining whether we had records responsive to your request.

You can find the summary of the City of Detroit Freedom of Information Act procedures and guidelines at www.detroitmi.gov and specifically at www.detroitmi.gov/How-Do-I/File/Freedom-Of-Information-Act-FOIA.

Please note that pursuant to Section 10 and 10a of the Act, MCL 15.240 and 15.240a, a person receiving a written denial of a request or receiving a letter to submit the labor costs may do one of the following:

- 1) Submit a written appeal to the head of the public body denying the request. Such appeal, if submitted, should specifically state the word "appeal" and identify the reason or



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reasons for reversal of the disclosure denial. MCL 15.240(1)(a) and MCL 15.240a(1)(a); or

- 2) Commence an action in the circuit court to compel the disclosure of the public records within 180 days after the public body's denial of the request, MCL 15.240(1)(b), or 45 days after the public body's request for labor costs, MCL 15.240a(1)(b). If a court finds that the information withheld by a public body is not exempt from disclosure, or that the labor costs requested by the public body exceeds the amount permitted, the requesting party may receive the requested record and, at the discretion of the court, reasonable attorney fees and/or costs. MCL 15.240(6) and (7), and MCL 15.240a(6) and (7).

Very truly yours,

Karl Newman

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